

REMARKS

I. Introduction

Claims 19-37 are pending in this application. In view of the explanations set forth below, it is respectfully submitted that claims 19-37 are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 19-37 under 35 U.S.C. § 102(e)

Claims 19-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,438,561 ("Israni"). It is respectfully submitted that the claims 19-37 are not anticipated by Israni for at least the following reasons.

To anticipate a claim under § 102(e), a single prior art reference must identically disclose each and every claim element. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claim invention, arranged exactly as in the claim. Lindeman, 703 F.2d 1458 (Emphasis added). Additionally, not only must each of the claim limitations be identically disclosed, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed invention, namely the inventions of the rejected claims, as discussed above. See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a "basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art." (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Claim 19 recites, in relevant parts, "transmitting an electronic data packet using a transmitting device, the data packet containing location information of at least one object for a map, the location information of at least one object including locating information and description information, wherein the data packet separately contains the locating information and the description information, and includes assignment information

assigning at least a part of the locating information to at least a part of the description information.” As presented, claim 19 provides that the data packet includes locating information, description information and assignment information; the assignment information assigns at least a part of the locating information to at least a part of the description information. Claims 30, 31, 33 and 36 recite substantially similar limitations as the above-recited limitations of claim 19.

The Examiner contends that Israni discloses **assignment information** because the cited sections of Israni describe a traffic message having a location component, which includes a reference number identifying the location of a traffic problem (see Israni, col. 5, lines 33-35). However, the reference number of Israni does not **assign at least a part of the locating information to at least a part of the description information**; instead, the cited sections only refer to the **assigning of a location to the reference number**. Col. 13, lines 35-45 of Israni specifically mention that the reference codes are assigned “to locations in the geographic region about which the traffic messages relate.” Therefore, the reference codes do not assign the location component to the event description component; instead, the reference codes only assign a location **to the message itself**. Furthermore, any connection between the location component and the event description component arises, at most, by virtue of the location and the event description components being contained within the same message—not by the inclusion of a separate piece of assignment information within the body of the traffic message so as to explicitly link, i.e., assign, locating information to description information.

Accordingly, claims 19, 30, 31, 33 and 36, as well as their dependent claims 20-29, 32, 34, 35 and 37, are allowable over Israni.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all pending claims 19-37 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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